REMARKS

Reconsideration of this application and allowance of the claims is respectfully requested.

It is believed that the amendments to the claims are clearly supported by the disclosure, which fully supports the electronic, automatic comparison of a candidate paytable to predetermined gaming criteria.

The newly added claims are also believed to be clearly supported by the previous disclosure of this application.

The examiner has rejected claims 1-4 as obvious and unpatentable over Pease et al. U.S. Patent 5,326,104 in view of Bridgeman et al. U.S. Patent No. 5,984,779. While Pease et al. discloses a method for configuring a paytable for a gaming terminal by the game operator under highly secure conditions, Pease fails to show the limitations of claim 1 which include "...displaying, on said display device, information from a stored paytable, different from said first paytable, and having a second overall payback percentage which is different from the first overall payback percentage...", as one distinction.

Then, as a second distinction, Pease fails to teach the language of claim 1: "...electronically comparing, in said gaming terminal, results of said calculating to predetermined government regulatory gaming criteria, and outputting a message if said results fail to comply with said criteria; and

storing said first paytable in said memory if said results comply with said criteria."

The examiner refers to columns 19 and 20 of Pease et al., in which the integrity of the paytable is monitored by a modified Checksum system, which warns of unauthorized changes to the paytable or the like.

To the contrary, claim 1, as amended, performs an electronic comparison, not with a Checksum, which basically compares the paytable with itself, earlier in time. Rather, the comparison of claim 1 is the calculated parameters of the new paytable to "predetermined government regulatory gaming criteria..." This, of course, is very different from the comparison of a paytable with itself to look for tampering. Instead, the comparison step of this invention is to determine that a new paytable meets the current regulatory criteria that have jurisdiction over the particular gaming machine. That is simply not found in Pease et al.

Furthermore, as the examiner has stated on page 3, bottom, Pease et al. also lacks the disclosure of the display of information from a stored paytable different from the first paytable.

Turning to Bridgeman et al., it discloses a gaming machine in which multiple paytables are stored. However, Bridgeman fails to teach the concept of electronic screening of a paytable by comparison with "predetermined government regulatory gaming criteria..." Accordingly, no combination of Bridgeman et al. and Pease et al. can teach the invention of claim 1 and its dependent claims.

Claim 6, which is dependent upon claim 1, is rejected as unpatentable over Pease et al. in view of Bridgeman, further in view of Walker, U.S. Patent No. 6,068,552.

It is believed that since claim 1 is patentable, claim 6 shares in its patentable distinctions, and thus is also patentable for the same reason.

Walker does teach the modification of paytables in accordance with the choice of the player (contrary to this invention), the modifications being made in a way that keeps the house advantage constant.

This, of course, has nothing to do with the automatic, electronic comparison of a new paytable with "predetermined government regulatory gaming criteria."

Claim 7 is rejected as unpatentable over Pease et al. in view of Bridgeman and further in view of "Regulation 14" of the Nevada Gaming Statutes. Also, claims 23-25, and 27 are rejected as being unpatentable over Pease et al. in view of "Regulation 14 of the Nevada Gaming Statues."

In those citations, it is submitted that there is no teaching of an automatic, electronic prevention of use of a first paytable until information is input to the gaming terminal confirming regulatory approval of the first paytable.

On page 5, near the bottom of the last Office Action, the examiner states, "It is obvious that the gaming operator would want to prevent use of the paytable change until information is input to the gaming terminal confirming regulatory approval." If only human nature were that simple, rational, and obedient! One needs only to read the newspaper almost every day to read about startling financial misdeeds by managers of business, contrary to the law! By this invention, the manager is electronically prevented from operating the machine until regulatory approval is confirmed.

At the bottom of page 5 of the Office Action, the examiner states "one skilled in the art would know that a command could be inserted into the game program to prevent game play until regulatory approval was met."

This actually points to the non-obviousness of concept, because if the concept is easy of automatically holding the machine in a nonoperating mode until regulatory approval is electronically confirmed, with such apparent technical ease of engineering such a system it should be in force right now, or directly discussed in the literature, and

it is not! Instead, casino owners continue to occasionally suffer the consequences of careless or deliberate failure to comply with the Regulations. They do not automate the process to avoid human error, as suggested in the claims of this invention.

In the middle of page 6, the examiner states, with respect to the rejection of claims 23-25 and 27, "It is obvious that a new paytable is prevented from being used until all calculations are performed, thereby gaining regulatory approval and user approval since every gaming terminal paytable requires approval from a regulatory agency."

Unfortunately, what ought to be is not what actually may be. The fact that Regulations exist does not really create a situation where "...the new paytable is prevented from being used until all calculations are performed..." It does create a situation where that should not happen, but humanity being as it is, the breach of the Regulations can perfectly well happen, and probably does happen fairly frequently in the various casinos!

Accordingly, the invention of this application provides an automated solution to the problem, where use of the paytable change is electronically prevented until the proper electronic analysis of the second information is performed in the remote computer. Then, an electronic transmission from the remote computer to the gaming terminal electronically unlocks the system for use (as in claim 23). This takes the problem of compliance with the regulations even out of the hands of the shift manager for example, who then cannot by negligence or even deliberation subject the owners to fines and other penalties!

The examiner on page 8 of the Office Action suggests that it is common practice to turn off machines or chain them up to prevent use of illegal paytables. That assumes that the staff is on the ball and recognizes that a paytable is illegal. By this invention, that issue is taken out of their hands, for greatly increased assurance that the Regulations will be complied with.

Accordingly, all the claims are believed to be patentable.

Turning to claim 28, this claim is similar to claim 1 except for a modification in lines 13-15. In claim 28 and its dependent claims, there is no requirement for a display, on the display device, of information from the stored paytable. Nevertheless, the stored paytable is in the memory, and it has the second, overall payback percentage which is different from the first overall payback percentage.

The distinctions of claim 28 and its dependent claims from the prior art are similar to that of claim 1, particularly the electronic comparison step where the results of the calculating are compared with the predetermined government regulatory gaming criteria, and use of the program is electronically prevented until regulatory clearance is electronically received.

In view of the above, allowance of the claims is respectfully requested.

It is believed that no extra claim filing fee is required because of the prior cancellation of claims.

Respectfully submitted,

SEYFARTH SHAW LLP

Garrettson Ellis
Registration No. 22,792
Attorney for Applicant

SEYFARTH SHAW LLP
55 East Monroe Street, Suite 4200
Chicago, Illinois 60603
(312) 269-8567

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop: NON FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 21, 2003.

Registered Attorney for Applicant
Date: November 21, 2003